

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH R. REID,

Plaintiff,

v.

DAVID J. EBBERT,

Defendant.

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Civil No. 1:16-cv-0885

Judge Sylvia H. Rambo

ORDER

AND NOW, this 24th day of May, 2018, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation of the magistrate judge is **ADOPTED**.
- 2) Reid's claims with respect to the validity of his sentence are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
- 3) Reid's claims with respect to the execution of his sentence are **DISMISSED WITH PREJUDICE** on the merits.
- 4) The Clerk of Court is directed to close this file.
- 5) The court declines to issue a certificate of appealability as it is without jurisdiction on his § 2255 petition and his claim for wrongful execution of his sentence is meritless.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge